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Attorneys for Defendant ARISTA NETWORKS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

v.

ARISTA NETWORKS, INC.,

Defendant.

Case No. 5:16-cv-05344-BLF (PSG)

**DECLARATION OF EDUARDO E.
SANTACANA IN SUPPORT OF
ADMINISTRATIVE MOTION FOR
CLARIFICATION OF COURT'S PRIOR
ORDERS RELATING TO DEPOSITION
LIMITS**

Judge: Hon. Beth Labson Freeman

Date Filed: February 24, 2016

Trial Date: November 21, 2016

1 I, Eduardo E. Santacana, declare:

2 1. I am an attorney licensed to practice law in the State of California and am an
3 associate with the law firm of Keker & Van Nest LLP, located at 633 Battery Street,
4 San Francisco, California 94111, counsel for Defendant Arista Networks, Inc. (“Arista”) in the
5 above-referenced action. Unless otherwise stated, the facts I set forth in this declaration are based
6 on my personal knowledge or knowledge I obtained through my review of corporate records or
7 other investigation. If called to testify as a witness, I could and would testify competently to such
8 facts under oath.

9 2. I submit this declaration in support of Arista’s Administrative Motion for
10 Clarification of Court’s Prior Orders Relating to Deposition Limits and pursuant to Civil Local
11 Rule 7-11(a), which requires a declaration “that explains why a stipulation could not be
12 obtained.”

13 3. On April 4 and 7, 2016, Arista asked Cisco to schedule depositions for four
14 witnesses: John Chambers, Bill Westfield, Drago Sijan, and Deepak Malik.

15 4. On April 12, 2016, counsel for Arista received a letter served electronically from
16 Amy Candido, counsel for Cisco, stating that Cisco would not make those witnesses available
17 because, in Cisco’s view, the Court’s Orders regarding the deposition limit prohibited Arista from
18 naming those deponents.

19 5. On April 14, 2016, I met and conferred with Ms. Candido telephonically. She
20 explained that Cisco and Arista have fundamentally differing views of the Court’s Orders, and
21 she requested that Arista justify each deponent to Cisco on a case-by-case basis in order for Cisco
22 to judge how the depositions should be allocated. Ms. Candido also stated that, in Cisco’s view,
23 Cisco could allocate its own twenty-five depositions in any way Cisco chooses.

24 6. On April 14, I informed Ms. Candido by e-mail that Arista would request relief
25 from the Court due to the parties’ impasse over the Court’s Orders and the small window of time

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1 remaining in the liability fact discovery period.

2 Executed April 14, 2016, at San Francisco, California.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct.
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9 Eduardo E. Santacana